

DOCKET SECTION

PRESIDING OFFICER'S
RULING NO. R97-1/51
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UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING GRANTING MOTIONS FOR LATE ACCEPTANCE

(October 23, 1997)

The Postal Service has filed several motions for late acceptance of interrogatory responses either directed to the Service or redirected for institutional response by one of its witnesses.¹ In the case of the United Parcel Service, Office of the Consumer Advocate, and David B. Popkin interrogatories, the delay in responding was due to the need to coordinate responses with other groups and the press of discovery directed to the Postal Service and its witnesses. The delay in responding to the Newspaper Association of America and Major Mailers Association interrogatories was due to the early closing of Postal Service headquarters on Friday, October 10, 1997. I will grant these motions.

¹ Response of United States Postal Service to Interrogatories of United Parcel Service Redirected from Witness Sharkey and Motion for Late Acceptance (UPS/USPS-T33-62(c) and 72(c)-(e)), filed October 8, 1997; Response of United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-87), filed October 9, 1997; Response of United States Postal Service to Interrogatory of David B. Popkin and Motion for Late Acceptance (DBP/USPS-19), filed October 10, 1997; Response of United States Postal Service to Interrogatory of the Newspaper Association of America and Motion for Late Acceptance (NAA/USPS-20), filed October 14, 1997; and Response of United States Postal Service to Interrogatories of Major Mailers Association Redirected from Witnesses Hatfield, Fronk and O'Hara and Motion for Late Acceptance (MMA/USPS-T25-1(B) and (C), MMA/USPS-T32-15(B), MMA/USPS-T30-3(A), 30-4(A) and (D), 30-6, 30-7(A)(2), and 30-8(C)(1) and (3)), filed October 16, 1997.

On October 9, 1997, the Postal Service filed a motion for late acceptance of interrogatory responses from witness Pafford.² These responses were filed one day out of time and counsel for the Postal Service provided copies via facsimile to counsel for the National Newspaper Association to mitigate any prejudice caused by the delay. I will grant this motion.

The Postal Service, on October 16, 1997, filed four motions for late acceptance of interrogatory responses of witness Frunk.³ The Postal Service states that these responses were delayed due to a combination of factors, including the necessity of conducting internal consultations, the press of preparing for hearings and the unavoidable absence of counsel from the office from October 10th through 14th. In each instance to mitigate the effects of the delay, counsel forwarded copies via facsimile to the appropriate counsel. I will grant these motions

On October 17, 1997, the Postal Service filed responses to outstanding portions of Presiding Officer's Information Request Nos. 3 and 4.⁴ The Postal Service states that the delay in responding was due to the press of other discovery, preparation for hearings and administrative oversight. I will grant this motion.

Presiding Officer's Ruling R97-1/40 required the Postal Service to respond to OCA/USPS-T22-20(b), (e) and (g), as specified in the body of that ruling, by October 17, 1997. On the due date for that response, the Postal Service requested an extension, until October 21, 1997, to file those materials.⁵ On October 21, 1997, the Postal Service filed the responses. I will grant this motion.

² Motion of the United States Postal Service for Late Acceptance of the Responses of Witness Pafford to Interrogatories of the National Newspaper Association (NNA/USPS-T1-15-17).

³ United States Postal Service Motion for Late Acceptance of Response to ABA&EEI&NAPM Interrogatory; United States Postal Service Motion for Late Acceptance of Response to Direct Marketing Association Interrogatory; United States Postal Service Motion for Late Acceptance of Responses to McGraw-Hill Interrogatories; and United States Postal Service Motion for Late Acceptance of Responses to National Newspaper Association Interrogatories.

⁴ Response of United States Postal Service to Presiding Officer's Information Request No. 3, Item 32, and No. 4, Items 8(a) and 8(c), and Motion for Late Acceptance.

⁵ United States Postal Service Motion for Extension of Time to Respond to Presiding Officer's Ruling No. R97-1/40.

RULING

1. Response of United States Postal Service to Interrogatories of United Parcel Service Redirected from Witness Sharkey and Motion for Late Acceptance (UPS/USPS-T33-62(c) and 72(c)-(e)), filed October 8, 1997, is granted.

2. Response of United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-87), filed October 9, 1997, is granted.

3. Response of United States Postal Service to Interrogatory of David B. Popkin and Motion for Late Acceptance (DBP/USPS-19), filed October 10, 1997, is granted.

4. Response of United States Postal Service to Interrogatory of the Newspaper Association of America and Motion for Late Acceptance (NAA/USPS-20), filed October 14, 1997, is granted.

5. Response of United States Postal Service to Interrogatories of Major Mailers Association Redirected from Witnesses Hatfield, Fronk and O'Hara and Motion for Late Acceptance (MMA/USPS-T25-1(B) and (C), MMA/USPS-T32-15(B), MMA/USPS-T30-3(A), 30-4(A) and (D), 30-6, 30-7(A)(2), and 30-8(C)(1) and (3)), filed October 16, 1997, is granted.

6. Motion of the United States Postal Service for Late Acceptance of the Responses of Witness Pafford to Interrogatories of the National Newspaper Association (NNA/USPS-T1-15-17), filed October 9, 1997, is granted.

7. The United States Postal Service Motion for Late Acceptance of Response to ABA&EEI&NAPM Interrogatory, filed October 16, 1997, is granted.

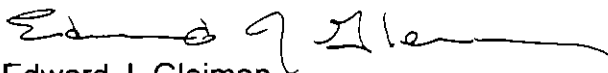
8. The United States Postal Service Motion for Late Acceptance of Response to Direct Marketing Association Interrogatory, filed October 16, 1997, is granted.

9. The United States Postal Service Motion for Late Acceptance of Responses to McGraw-Hill Interrogatories, filed October 16, 1997, is granted.

10. The United States Postal Service Motion for Late Acceptance of Responses to National Newspaper Association Interrogatories, filed October 16, 1997, is granted.

11. Response of United States Postal Service to Presiding Officer's Information Request No. 3, Item 32, and No. 4, Items 8(a) and 8(c), and Motion for Late Acceptance, filed October 17, 1997, is granted.

12. United States Postal Service Motion for Extension of Time to Respond to Presiding Officer's Ruling No. R97-1/40, filed October 17, 1997, is granted.


Edward J. Gleiman
Presiding Officer